Reno, Nevada 89502

# BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and	)	Case No. 11-7435-1
Complaint Against	)	FILED
MARIA GABRIELA GREGORY, M.D.,	)	JAN 0 3 2011
Respondent.	) )	NEVADA STATE BOARD OF MEDICAL EXAMINERS By:

## **COMPLAINT**

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing of Charles N. Held, M.D., Chairman, Theodore B. Berndt, M.D., Member, and Valerie J. Clark, Member, having a reasonable basis to believe that Maria Gabriela Gregory, M.D., hereinafter referred to as Respondent, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

- 1. Respondent's license is currently in active status (License No. 6444), and has been so licensed since March 21, 1992 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
- 2. Patient A was a forty-two year old (42) female at the time of the incidents in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Respondent along with a copy of this Complaint.
- 3. On or about June 22, 2006, Patient A was admitted to the hospital with multiple complaints. Based upon the clinical presentation, a single-blind Tensilon test was performed on Patient A.
- 4. The results of the Tensilon test led to a diagnosis of Myasthenia Gravis on Patient A. Treatment was begun with Mestinon, and low dose prednisone was subsequently added.

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- 5. Further attempts to treat the disease continued with medications such as Immuran, CellCept and Intravenous Immunoglobulin which required surgical placement of an indwelling vascular access system. Despite this course of treatment, the symptoms recurred and failed to dissipate.
- 6. The treatment continued until November, 2007. At no time were any further diagnostic studies performed to definitively establish Myasthenia Gravis and rule out other neurological syndromes.
- 7. Subsequently, by performing a nerve conduction test, another physician ruled out Myasthenia Gravis.
- 8. During the course of treatment, Patient A was subjected to significant adverse effects from the corticosteroids, exposed to other risks relating to infection and possible malignancy from the use of immunosuppressive drugs. Further and greater diagnostic testing was required to establish the diagnosis with certainty before the prolonged use of such potent medications prescribed by Respondent.

### Count I

- 9. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.
- 10. Nevada Administrative Code Section 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds 11. for initiating disciplinary action against a licensee.
- Respondent failed to use the reasonable care, skill, or knowledge ordinarily used 12. under the same or similar circumstances when she failed and omitted to perform further diagnostic studies to firmly establish the diagnosis of Myasthenia Gravis and to rule out Lambert-Eaton myasthenic syndrome. Greater diagnostic certainty was required before subjecting Patient A to the prolonged use of potent medications.

13. By reason of the foregoing, Respondent is subject to discipline by the Nevada State Board of Medical Examiners as provided in Section 630.352 of the Nevada Revised Statutes.

### **WHEREFORE**, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners give Respondent notice of the charges herein against her and give her notice that she may file an answer to the Complaint herein as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service of the Complaint.
- 2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS §630.339(3);
- 3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Respondent; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Respondent its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and
- 5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this <u>3</u> day of January, 2011.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

Bradley O. Van Ry, Esq.

Deputy General Counsel and Attorney for the Investigative

Committee

### VERIFICATION

STATE OF NEVADA		
	:	SS
COUNTY OF DOUGLAS	)	

Charles N. Held, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, that he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate, and correct.

Dated this **3**<sup>-1</sup>/<sub>2</sub> day of January, 2011.

CHARLES N. HELD, M.D.

# OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners 1105 Terminal Way #301 Reno, Nevada 89502 (775) 688-2559

### **CERTIFICATE OF MAILING**

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 3<sup>rd</sup> day of January 2011; I served a file copy of the Complaint, Patient Designation & Fingerprint Information, by mailing via USPS certified return receipt mail to the following:

Maria Gregory, M.D. 3131 La Canada St., Ste. 101 Las Vegas, NV 89169

Dated this 3<sup>rd</sup> day of January 2011.

Angelia L. Donohoe Legal Assistant